

**United States District Court
for the District of Massachusetts**

Request for Modifying the Conditions or Term of Supervision

Name of Offender: Anibal Torres

Case Number: 03CR10362

Name of Sentencing Judicial Officer: Honorable Patti B. Saris
U.S. District Judge

Date of Original Sentence: March 31, 2005

Original Offense: Conspiracy to Distribute Marijuana and to Possess with Intent to Distribute Marijuana

Original Sentence: Time served (17 months and eight (8) days) of incarceration followed by 48 months of supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: March 31, 2005

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The defendant shall serve a 90 day curfew.

CAUSE

Violation I: Violation of Condition #7: - The defendant shall refrain from excessive use of alcohol, and shall not purchase, possess, use, distribute or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician.

On March 6, 2006, Anibal Torres submitted a urine sample which tested positive for marijuana. The sample was sent to Scientific Testing Laboratories, Inc. for further analysis. Scientific Testing Laboratories, Inc confirmed the positive results and provided a THC level of 84. (First Positive Drug Test)

On March 13, 2006, Anibal Torres submitted a urine sample which tested positive for marijuana. The sample was sent to Scientific Testing Laboratories, Inc. for further analysis. Scientific Testing Laboratories, Inc confirmed the positive results and provided a THC level of 15. The decrease in THC level from 84 to 15 indicates no additional marijuana use since the initial positive sample on March 6, 2006.

On March 22, 2006, Anibal Torres submitted a urine sample which tested positive for marijuana. The sample was sent to Scientific Testing Laboratories, Inc. for further analysis which confirmed an increase in the THC level from 15 to 20. On March 27, 2006, Anibal Torres submitted a urine sample which tested positive for marijuana. The sample was sent to Scientific Testing Laboratories, Inc. which confirmed the positive results and an increase in THC level from 20 to 26. According to Scientific Testing Laboratories, Inc based upon the THC levels on March 13th, March 22nd, and March 27th, they do not report with one hundred percent certainty that additional marijuana was used on multiple occasions. However, they do report with certainty that additional marijuana was used on at least one occasion between March 13, 2006 and March 27, 2006. (Second Positive Drug Test)

PROBATION OFFICE ACTION

On April 10, 2006, an Administrative Hearing was held in the Lawrence U.S. Probation Office to address Mr. Torres' noncompliance and determine an appropriate intervention to bring him back into compliance. Mr. Torres

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Conditions or Terms of Supervision
with Consent of the Offender**

has provided two (2) positive urinalysis tests over the past month which is concerning. He informed us that he did not believe he was in need of detoxification or in-patient treatment. Mr. Torres assured this Probation Officer that his marijuana use was recreational and he could abstain from use without long term in-patient treatment. The Probation Office has offered counseling to Mr. Torres and increased the frequency of his urinalysis testing. To address this non-compliance, we recommend a modification of his special conditions to include the defendant serving a 90 day curfew. This modification will provide Mr. Torres structure to his daily routine while enabling the Probation Office to monitor him more closely which will hopefully prevent his drug use from escalating to the point of revocation. Please find attached a Probation Form 49 executed by Mr. Torres, agreeing to the amendment of his conditions of Supervised Release.

Reviewed/Approved by:

Brian McDonald

Brian McDonald
Supervising U.S. Probation Officer

By

Respectfully submitted,

Craig A. Orze

Craig A. Orze
U.S. Probation Officer
Date: April 14, 2006

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other

Paul Sarek

Signature of Judicial Officer

4/24/06

Date

Bring him in
next TIME
via summons

PROB 49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

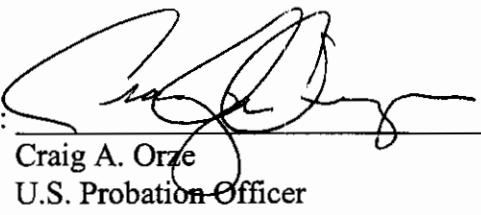
UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant is to serve a ninety (90) day curfew.

Witness:



Craig A. Orze
U.S. Probation Officer

Signed: Anibal Torres Jr.

Anibal Torres
Probationer or Supervised Releasee

4-10-06

DATE